

EXHIBIT D

September 20, 2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERMES INTERNATIONAL AND HERMES OF
PARIS, INC.

Plaintiff, :

- against -

MASON ROTHSCHILD,

Defendant. :

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September 20, 2022
11:05 a.m.

** CONFIDENTIAL **

VIDEOTAPED EXAMINATION BEFORE TRIAL of
DR. BRUCE ISAACSON, an Expert Witness on
behalf of the Plaintiffs herein, taken by the
Defendant, pursuant to Court Order, held at
the above-mentioned time via videoconference
by all parties, before Michelle Lemberger, a
Notary Public of the State of New York.

September 20, 2022

A P P E A R A N C E S:

BAKER HOSTETLER, LLP
Attorneys for Plaintiff
45 Rockefeller Plaza
New York, New York 10111

BY: GERALD FERGUSON, ESQ.
Gferguson@bakerlaw.com

A/P LISA BOLLINGER GEHMAN, ESQ.
Lgehman@bakerlaw.com

DEBORAH WILCOX, ESQ.
Dwilcox@bakerlaw.com

KEVIN WALLACE, ESQ.

VALENTINE FADIE, ESQ. - In-house counsel
Hermes International

LEX LUMINA, PLLC
Attorneys for Defendant
745 Fifth Avenue, Suite 500
New York, New York 10151

BY: RHETT MILLSAPS, ESQ.
Rhett@lex-lumina.com

A/P MARK MCKENNA, ESQ.
Mark@lex-lumina.com

ALSO PRESENT:

Darrak Lighty - videographer

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September 20, 2022

1 Dr. B. Isaacson
2 survey that I'm basing my opinions on is the
3 survey conducted among the alleged
4 infringer's audience, Mr. Rothschild's
5 audience. And the survey that I'm not basing
6 my opinions on was conducted based on Hermes'
7 audience, the senior users or plaintiff's
8 audience in this matter.

9 Q. So the handbag study that you did is
10 focused on a reverse confusion audience; am I
11 right about that?

12 MR. FERGUSON: Objection.

13 A. We would have an audience that would
14 be more typical with what is usually the
15 audience for a reverse confusion survey. But
16 I want to be very clear, it is not a reverse
17 confusion survey and it is not a forward
18 confusion survey. It is the same survey as
19 my forward confusion survey, but it is just
20 conducted among a different audience, making
21 it neither forward nor reverse confusion
22 survey.

23 Q. Did you think this was a relevant
24 study when you designed it?

25 A. I wasn't sure if it would be a